

REMARKS/ARGUMENTS

Claims 1-44 are pending and claims 45-84 are canceled. Claims 1-43 stand substantively rejected and claim 44 is withdrawn. In this Amendment, claims 1, 42, and 43 are amended. Reconsideration is respectfully requested.

Claim Amendments

Amended claim 1 includes an input device and various modules. Input devices are described in the originally filed disclosure at, for example, paragraph [0076], and modules are described at, for example, paragraph [0079]. Amended claims 42 and 43 include similar features. No new matter is introduced.

Rejection Under 35 U.S.C. §101

Claims 1-43 were rejected under 35 U.S.C. §101 as allegedly drawn to non-statutory subject matter. This rejection is traversed.

According to a January 7, 2009 Memorandum from the Deputy Commissioner for Patent Examination Policy (Exhibit A):

[T]he test for a method claim is whether the claimed method is (1) tied to a particular machine or apparatus, or (2) transforms a particular article to a different state or thing. This is called the "machine-or-transformation test". (Emphasis in original)

The methods of amended independent claims 1, 42, and 43 are tied to a respective computer system, which is a machine or apparatus. Thus, these independent claims satisfy the "machine-or-transformation test." Withdrawal of this rejection is respectfully requested.

Appl. No. 10/825,864
Amdt. dated December 21, 2009
Reply to Office Action of September 30, 2009

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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Attachment: Appendix A
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